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9 ***Counsel for Plaintiffs and the Proposed Classes***

10
11 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

12 PATRICK URSONANO, GIOVANNI
13 CANONICO and URSULA CANONICO ,
individually and on behalf of all others similarly
situated,

14 Plaintiffs,

15 v.

16 WELLS FARGO BANK, N.A., WELLS FARGO
17 INSURANCE, INC., ASSURANT, INC., and
AMERICAN SECURITY INSURANCE
COMPANY,

19 Defendants.

20
Case No.13-cv-04381-EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER TO
WITHDRAWAL COUNT I OF
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

Action Filed: September 20, 2013
Judge: Hon. Edward M. Chen

21 Pursuant to Northern District of California Civil L.R. 6.1 and 6.2, Plaintiffs, Patrick
22 Ursomano, Giovanni Canonico and Ursula Canonico (collectively "Plaintiffs") and Defendants
23 Wells Fargo Bank, N.A. and Wells Fargo Insurance, Inc. (collectively, "Defendants") (together, the
24 "Parties") respectfully submit the following Joint Stipulation to the Voluntary Dismissal, with
25 prejudice, of Count One of the First Amended Class Action Complaint (ECF No. 4) in the above-
26 captioned action, which alleges violation of the Anti-Tying Provisions of the Bank Holding Act, 12
27 U.S.C. §1972, *et seq.* against Wells Fargo Bank, N.A.

1 WHEREAS, Plaintiffs Patrick Ursomano, Giovanni Canonico and Ursula Canonico filed the
2 First Amended Class Action Complaint (the “FACC”) against Defendants on October 4, 2013. *See*
3 ECF No. 4. The FACC alleges claims for violation of the Anti-Tying Provisions of the Bank
4 Holding Act, 12 U.S.C. §1972, *et seq.*, (Count One) against Wells Fargo Bank, N.A., and violation of
5 the California Business & Professions Code § 17200, *et seq.*, (Count Two) against all Defendants.

6 WHEREAS, Defendants Wells Fargo Bank, N.A. and Wells Fargo Insurance, Inc. filed a
7 Motion to Dismiss on January 15, 2014. *See* ECF No. 38.

8 WHEREAS, the Parties have agreed to the voluntary dismissal of Count One (Violation of
9 the Anti-Tying Provisions of the Bank Holding Act, 12 U.S.C. §1972, *et seq.*), only, with prejudice,
10 thereby obviating the need for the Court to rule upon or address any issues surrounding Count One
11 of the FACC in connection with the Motion to Dismiss.

12 **IT IS HEREBY STIPULATED AS FOLLOWS:**

13 1. Count One of the First Amended Class Action Complaint (ECF No. 4) in the
14 above-captioned action, which alleges a violation of the Anti-Tying Provisions of the Bank Holding
15 Act, 12 U.S.C. §1972, *et seq.*, against Wells Fargo Bank, N.A. is voluntarily dismissed with
16 prejudice.

17 2. Each party shall bear his, her or its own costs and expenses, including
18 attorneys’ fees, and waives any rights of appeal that may exist as to the dismissal of the claim under
19 the Anti-Tying Provisions of the Bank Holding Act.

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21 **IT IS SO STIPULATED.**

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1 Respectfully submitted,

2 KESSLER TOPAZ
3 MELTZER & CHECK, LLP

4 Dated: January 29, 2014

5 /s/ Peter A. Muhic

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21 ***Attorneys for Plaintiffs and the Proposed Classes***

22 **SEVERSON & WERSON, P.C.**

23 Dated: January 29, 2014

24 /s/ Philip Barilovits (with consent)

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29 ***Attorneys for Defendant Wells Fargo Bank, N.A.
and Wells Fargo Insurance, Inc.***

1 **FILER'S ATTESTATION**

2 Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing
3 of the document has been obtained from all of the signatories.

4
5 DATED: January 29, 2014

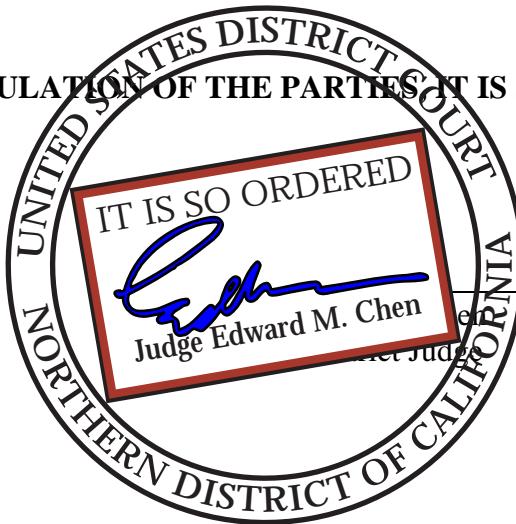
KESSLER TOPAZ
MELTZER & CHECK, LLP

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7 By: /s/ Peter A. Muhic

8
9 Peter A. Muhic

10 **PURSUANT TO THE STIPULATION OF THE PARTIES IT IS SO ORDERED.**

11 Dated: 1/30/14



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 29, 2014, I electronically filed the foregoing with the Clerk
3 of the Court using the CM/ECF system which will send notification of such filing to the e-mail
4 addresses of all counsel of record.

5 */s/ Peter A. Muhic* _____

6 Peter A. Muhic
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